

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

TOMMY E. GRAVES,	:	
	:	
Plaintiff,	:	
	:	Case No. 3:10-cv-389
vs.	:	
	:	JUDGE WALTER HERBERT RICE
ALLIED AUTOMOTIVE GROUP, et al.	:	
	:	
Defendants	:	

DECISION AND ENTRY OVERRULING PLAINTIFF'S OBJECTIONS TO REPORT AND
RECOMMENDATIONS (DOC. #17); ADOPTING REPORT AND
RECOMMENDATIONS (DOC. #11); DENYING LEAVE TO APPEAL *IN FORMA*
PAUPERIS; TERMINATION ENTRY

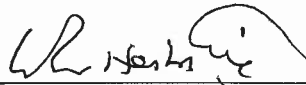
On February 24, 2011, Magistrate Judge Ovington issued a Report and Recommendations, Doc. #11, recommending that the Court dismiss Plaintiff's claims against the remaining defendants without prejudice to renewal in state court. She found that: (1) Plaintiff had failed to effect timely service of process under Fed. R. Civ. P. 4(m); and (2) the Court lacked supplemental jurisdiction over Plaintiff's remaining state law claims.

On March 7, 2011, Plaintiff filed an Objection to the Report and Recommendations. Doc. #17. He simply notes that on February 11, 2011, he had filed an Amended Complaint with the Clerk of Court, raising new allegations and indicating that Defendant Allied Automotive Group had changed its name to Allied Systems Holdings. Doc. #10. This "Objection" is not responsive to either of the

grounds for dismissal set forth by the Magistrate Judge. Nor does the Amended Complaint cure the alleged defects. The Objection, Doc. #17, is therefore OVERRULED.

The Court ADOPTS the Magistrate Judge's Report and Recommendations (Doc. #11) and DISMISSES all remaining claims WITHOUT PREJUDICE. Pursuant to 28 U.S.C. § 1915(a)(3), the Court finds that any appeal of this Order would not be taken in good faith. The Court therefore DENIES leave for Plaintiff to appeal *in forma pauperis*. This case is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

Date: August 19, 2011



WALTER HERBERT RICE
UNITED STATES DISTRICT JUDGE